Executive Summary – Enforcement Matter – Case No. 51064 City of Trinidad RN101386514 Docket No. 2015-1189-PWS-E

Order Type:

Findings Agreed Order

Findings Order Justification:

Three or more enforcement actions (NOVs, orders, etc.) over the prior five year period for the same violation(s).

Media:

PWS

Small Business:

No

Location(s) Where Violation(s) Occurred:

City of Trinidad PWS, located at North League Line Road, Trinidad, Henderson County

Type of Operation:

Public water supply

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: The complainant has expressed an interest in this

matter but does not wish to speak at Agenda.

Texas Register Publication Date: December 18, 2015

Comments Received: No

Penalty Information

Total Penalty Assessed: \$554

Amount Deferred for Expedited Settlement: \$0 **Amount Deferred for Financial Inability to Pay:** \$0

Total Paid to General Revenue: \$554 **Total Due to General Revenue:** \$0

Payment Plan: N/A

Supplemental Environmental Project ("SEP") Conditional Offset: \$0

Name of SEP: N/A

Compliance History Classifications:

Person/CN - Satisfactory

Site/RN - N/A

Major Source: No

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: September 2002 and April 2014

Executive Summary – Enforcement Matter – Case No. 51064 City of Trinidad RN101386514 Docket No. 2015-1189-PWS-E

Investigation Information

Complaint Date(s): August 13, 2015

Complaint Information: A concerned citizen in Henderson County had a complaint

in regards to the drinking water quality.

Date(s) of Investigation: July 20, 2015 through July 31, 2015 and August 6, 2015

through August 11, 2015

Date(s) of NOE(s): July 31, 2015 and August 31, 2015

Violation Information

- 1. Failed to submit routine reports and any additional documentation that the Executive Director may require to determine compliance with the requirements of 30 Tex. Admin. Code ch. 290 [30 Tex. Admin. Code § 290.46(f)(3)(C)(iii) and (f)(4)].
- 2. Failed to comply with the maximum contaminant level ("MCL") of 0.080 milligrams per liter ("mg/L") for total trihalomethanes ("TTHM") based on the locational running annual average [30 Tex. Admin. Code § 290.115(f)(1) and Tex. Health & Safety Code § 341.0315(c)].
- 3. Failed to flush all dead-end mains at monthly intervals [30 TEX. ADMIN. CODE § 290.46(l)].
- 4. Failed to operate the disinfection equipment to maintain a disinfectant residual of at least 0.5 mg/L total chlorine throughout the distribution system at all times [30 Tex. ADMIN. CODE §§ 290.46(d)(2)(B) and 290.110(b)(4) and Tex. Health & Safety Code § 341.0315(c)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

On August 11, 2015, the disinfection residual was 0.52 mg/L total chlorine at the Gateway Assembly of God.

Technical Requirements:

The Order will require the Respondent to:

- a. Within 30 days:
- i. Submit the Recycling Practices Report; and
- ii. Provide a flush valve and begin flushing all dead-end mains at monthly intervals.
- b. Within 45 days, submit written certification to demonstrate compliance with a.

Executive Summary – Enforcement Matter – Case No. 51064 City of Trinidad RN101386514 Docket No. 2015-1189-PWS-E

- c. Within 365 days, return to compliance with the MCL for TTHM based on the locational running annual average.
- d. Within 380 days, submit written certification to demonstrate compliance with c.

Litigation Information

Date Petition(s) Filed: N/A Date Answer(s) Filed: N/A SOAH Referral Date: N/A Hearing Date(s): N/A Settlement Date: N/A

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Epifanio Villarreal, Enforcement Division, Enforcement Team 2, MC R-14, (361) 825-3425; Candy Garrett, Enforcement Division,

MC 219, (512) 239-1456

TCEQ SEP Coordinator: N/A

Respondent: Terri Newhouse, City Administrator, City of Trinidad, P.O. Box 345,

Trinidad, Texas 75163

The Honorable Larry Estes, Mayor, City of Trinidad, P.O. Box 345, Trinidad, Texas

75163

Respondent's Attorney: N/A

Penalty Calculation Worksheet (PCW) Policy Revision 2 (September 2002) PCW Revision October 30, 2008 Assigned 3-Aug-2015 **PCW** 5-Aug-2015 Screening 5-Aug-2015 **EPA Due** 30-Sep-2015 RESPONDENT/FACILITY INFORMATION Respondent City of Trinidad Reg. Ent. Ref. No. RN101386514 Facility/Site Region 5-Tyler Major/Minor Source Minor CASE INFORMATION Enf./Case ID No. 51064 No. of Violations 1 Docket No. 2015-1189-PWS-E Order Type Findings Government/Non-Profit Yes Media Program(s) Public Water Supply Multi-Media Enf. Coordinator Epifanio Villarreal EC's Team Enforcement Team 2 Admin. Penalty \$ Limit Minimum Maximum \$1,000 Penalty Calculation Section TOTAL BASE PENALTY (Sum of violation base penalties) \$100 ADJUSTMENTS (+/-) TO SUBTOTAL 1 ubtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage. Compliance History 45.0% Enhancement Subtotals 2, 3, & 7 \$45 Enhancement for five NOVs with the same/similar violations and one Notes agreed order with a denial of liability. Culpability No 0.0% Enhancement Subtotal 4 \$0 Notes The Respondent does not meet the culpability criteria. Good Faith Effort to Comply Total Adjustments Subtotal 5 \$0 **Economic Benefit** 0.0% Enhancement* Subtotal 6 \$0 Total EB Amounts *Capped at the Total EB \$ Amount Estimated Cost of Compliance SUM OF SUBTOTALS 1-7 \$145 OTHER FACTORS AS JUSTICE MAY REQUIRE 0.0% Adiustment \$0 Reduces or enhances the Final Subtotal by the indicated percentage Notes Final Penalty Amount \$145 STATUTORY LIMIT ADJUSTMENT Final Assessed Penalty \$145 0.0% Reduction Adjustment \$0

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.

Notes

PAYABLE PENALTY

No deferral is recommended for Findings Orders.

\$145

PCW

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

Respondent City of Trinidad Case ID No. 51064

Reg. Ent. Reference No. RN101386514

Media [Statute] Public Water Supply

Enf. Coordinator Epifanio Villarreal

Compliance History Worksheet

Componen		Enter Number Here	Aujust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	5	25%
	Other written NOVs	0	0%
	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	1	20%
Orders	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgment and Conse		0	0%
Decrees	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government		0%
Conviction	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%
Addics	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%
	Ple	ase Enter Yes or No	
	Environmental management systems in place for one year or more	No	0%
Other	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%
	Adjustment Per	centage (Subt	total 2)
peat Violato	r (Subtotal 3)		_
	N/A Adjustment Per	centage (Subt	total 3)
mpliance His	story Person Classification (Subtotal 7)		
Satisfacto	ry Performer Adjustment Per	centage (Subt	otal 7)
mpliance His	story Summary		
Compliand History Notes	Enhancement for five NOVs with the same/similar violations and one agreed order liability.	with a denial of	

Screening Date Respondent		Docket No. 2015-1189-PWS-E	n. fr n t.t.	PCW
Case ID No.				n 2 (September 2002) sion October 30, 2008
Reg. Ent. Reference No.			rev kevi	sion october 30, 2008
Media [Statute]				
Enf. Coordinator				
Violation Number				
Rule Cite(s)				
Kule diec(3)	30 Tex. A	Admin. Code § 290.46(f)(3)(C)(iii) and (f)(4)		
Violation Description	Executive Director may 30 Tex. Admin. Code updated Recycling Pra	utine reports and any additional documentation the require to determine compliance with the require e.ch. 290. Specifically, in a letter dated April 6, 20 actices Report ("RPR") was requested to be completed within 90 days but was not submitted.	ements of 011, an	
		Bas	e Penalty	\$1,000
>> Environmental, Prope	rty and Human Ha	alth Matrix		
chanomichial, rrope	Harr			
Release	Major Modera	ate Minor		
OR Actual				
Potential		Percent 0%		
>>Programmatic Matrix	Major Modor	ato Minor		
Falsification	Major Modera			
	<u> </u>	Percent 10%		
			1	
Matrix	100% of th	e rule requirement was not met.		
Notes	100% 01 (11	e rule requirement was not met.		
		Adjustment	\$900	
		(A)#-1111-111	4300	
				\$100
Violation Events				
Niconhouse	Violetian Events		4	
Number or	Violation Events 1	90 Number of violation	aays	,
mark only one with an x	dally weekly monthly quarterly semiannual annual single event x	Violation Base	e Penalty	\$100
	One sir	ngle event is recommended.		
Good Faith Efforts to Com	umbr O	00/	n	\$0
GOOG FAIGH EHOLIS TO COM	Before		Reduction	\$U
recording	Extraordinary	NOV NOV to EDINI/Sectionent one		
TO THE PARTY OF TH	Ordinary			
recent	N/A x	(mark with x)		
·	11/4	N(mark with x)		
	Notes The Res	pondent does not meet the good faith criteria for this violation.		
· ·	<u>L. </u>	Violation	Subtotal	\$100
				\$100
Economic Benefit (EB) for	this violation	Statutory Limit	Test	
Estimat	ed EB Amount	\$55 Violation Final Pena	alty Total	\$145
videnter	This	violation Final Assessed Penalty (adjusted fo	or limits)	\$145
			,	

Case ID No.	51064						
g. Ent. Reference No.						x	
	Public Water S	Supply				Percent Interest	Years of
Violation No.	1					. Citcuit sintel Cat	Depreciation
						5.0	1
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	No commas or \$						
	333333333333333333333333			***********			
Delayed Costs							
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$135	5-Jul-2011	1-May-2017	5.83	\$3	\$52	\$55
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System		ļ		0.00	\$0	n/a	\$0
Training/Sampling		 		0.00	\$0	n/a	\$0
Remediation/Disposal Permit Costs				0.00	\$0 \$0	n/a	\$0
Other (as needed)		<u> </u>		0.00	\$U	l n/a l	\$0
, ,	The delayed o	ost includes the es	stimated amou	1 0.00	\$0 epare an updated	n/a RPR and submit it t	\$0
Notes for DELAYED costs	Direct	or, calculated fron	n the date the	nt to pr report v	epare an updated was due to the est	RPR and submit it t imated date of comp	\$0 o the Executive oliance.
, ,	Direct	or, calculated fron	n the date the	nt to pr report v	epare an updated was due to the est	RPR and submit it to imated date of comp for one-time avoid	\$0 o the Executive oliance. led costs)
Notes for DELAYED costs Avoided Costs Disposal	Direct	or, calculated fron	n the date the	nt to pr report v enterir	epare an updated was due to the est ng item (except \$0	RPR and submit it to imated date of comp for one-time avoid \$0	\$0 o the Executive oliance. led costs) \$0
Notes for DELAYED costs Avoided Costs Disposal Personnel	Direct	or, calculated fron	n the date the	enterii 0.00	repare an updated was due to the est of the standard stan	RPR and submit it to imated date of comp for one-time avoid \$0 \$0	\$0 o the Executive oliance. led costs) \$0 \$0
Notes for DELAYED costs Avoided Costs Disposal Personnel Dection/Reporting/Sampling	Direct	or, calculated fron	n the date the	ent to preport ventering 0.00 0.00 0.00	repare an updated was due to the est square	RPR and submit it to imated date of comp for one-time avoid \$0 \$0 \$0	\$0 o the Executive pliance. led costs) \$0 \$0 \$0
Notes for DELAYED costs Avoided Costs Disposal Personnel pection/Reporting/Sampling Supplies/Equipment	Direct	or, calculated fron	n the date the	enteria 0.00 0.00 0.00 0.00	epare an updated was due to the est so	RPR and submit it to imated date of compfor one-time avoid \$0 \$0 \$0 \$0 \$0 \$0	\$0 o the Executive oliance. led costs) \$0 \$0 \$0 \$0 \$0
Notes for DELAYED costs Avoided Costs Disposal Personnel pection/Reporting/Sampling Supplies/Equipment Financial Assurance [2]	Direct	or, calculated fron	n the date the	enterir 0.00 0.00 0.00 0.00 0.00 0.00	repare an updated was due to the est so	RPR and submit it to imated date of composition for one-time avoiding \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 o the Executive oliance. So
Notes for DELAYED costs Avoided Costs Disposal Personnel section/Reporting/Sampling Supplies/Equipment Financial Assurance [2] ONE-TIME avoided costs [3]	Direct	or, calculated fron	n the date the	enterir 0.00 0.00 0.00 0.00 0.00 0.00 0.00	epare an updated was due to the est 19 item (except	RPR and submit it to imated date of composition for one-time avoid \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 o the Executive oliance. Sed costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Notes for DELAYED costs Avoided Costs Disposal Personnel ection/Reporting/Sampling Supplies/Equipment Financial Assurance [2]	Direct	or, calculated fron	n the date the	enterir 0.00 0.00 0.00 0.00 0.00 0.00	repare an updated was due to the est so	RPR and submit it to imated date of composition for one-time avoiding \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 o the Executive oliance. So
Avoided Costs Disposal Personnel pection/Reporting/Sampling Supplies/Equipment Financial Assurance [2] ONE-TIME avoided costs [3]	Direct	or, calculated fron	n the date the	enterir 0.00 0.00 0.00 0.00 0.00 0.00 0.00	epare an updated was due to the est 19 item (except	RPR and submit it to imated date of composition for one-time avoid \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 o the Executive oliance. Sed costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel Supplies/Equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)	Direct	or, calculated fron	n the date the	enterir 0.00 0.00 0.00 0.00 0.00 0.00 0.00	epare an updated was due to the est 19 item (except	RPR and submit it to imated date of composition for one-time avoid \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 o the Executive oliance. Sed costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0

Penalty Calculation Worksheet (PCW)

Policy Revision 4 (Ap	•		•	March 26, 2014
TCEQ DATES Assigned PCW	3-Aug-2015 5-Aug-2015 Screening 5-Aug-2015	EPA Due 30-Sep-2015		
RESPONDENT/FACILI		ETA Due 50 Sep 2015		
	City of Trinidad			
Facility/Site Region		Major/Minor Source	Minor	
CASE INFORMATION Enf./Case ID No.	51064	No. of Violations	1	
Docket No.	2015-1189-PWS-E	Order Type	Findings	
Media Program(s) Multi-Media	Public Water Supply	Government/Non-Profit Enf. Coordinator		
Admin. Penalty \$ I	imit Minimum \$50 Maximum	#1,000 EC's Team	Enforcement Team 2	
	Penalty Calcula	tion Section		***************************************
TOTAL BASE PENA	LTY (Sum of violation base penal	ties)	Subtotal 1	\$150
ADJUSTMENTS (+ Subtotals 2-7 are of Compliance Hi	/-) TO SUBTOTAL 1 brained by multiplying the Total Base Penalty (Subtotal 1		als 2, 3, & 7	\$67
Notes	story 45.0% Enhancement for five NOVs with the same agreed order with a denial	e/similar violations and one	ais 2, 3, & 7 [307
Culpability	No 0.0%	Enhancement	Subtotal 4	\$0
Notes	The Respondent does not meet the	culpability criteria.		
Good Faith Eff	ort to Comply Total Adjustments		Subtotal 5	\$0
Economic Beni Estimated		Enhancement* d at the Total EB \$ Amount	Subtotal 6	\$0
SUM OF SUBTOTA	LS 1-7	Fi	nal Subtotal	\$217
	AS JUSTICE MAY REQUIRE I Subtotal by the indicated percentage.	0.0%	Adjustment	\$0
Notes				
	Land the state of	Final Pena	alty Amount	\$217
STATUTORY LIMIT	T ADJUSTMENT	Final Asses	sed Penalty	\$217
DEFERRAL Reduces the Final Assessed Pe	enalty by the indicated percentage. (Enter number only;		Adjustment	\$0
Notes	No deferral is recommended for	Findings Orders		

\$217

PAYABLE PENALTY

PCW

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

Respondent City of Trinidad
Case ID No. 51064
Reg. Ent. Reference No. RN101386514
Media [Statute] Public Water Supply
Enf. Coordinator Epifanio Villarreal

Compliance History Worksheet

Component	Number of	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	5	25%
	Other written NOVs	0	0%
	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)		20%
Orders	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgments or consent decrees meeting criteria)	0	0%
Decrees	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	O	0%
Addits	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	O	0%
12 12 12 12 12 12 12 12 12 12 12 12 12 1	Ple	ase Enter Yes or No	
	Environmental management systems in place for one year or more	No	0%
Other	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%
	Adjustment Per	centage (Sub	total 2)
epeat Violator (Subtotal 3)		
N/A	Adjustment Per	centage (Sub	total 3)
ompliance Histo	ory Person Classification (Subtotal 7)		
Satisfactory	Performer Adjustment Per	centage (Sub	total 7)
ompliance Histo	ory Summary		
Compliance History Notes	Enhancement for five NOVs with the same/similar violations and one agreed order liability.	with a denial of	
	Total Compliance History Adjustment Percentage (S	Subtotals 2. :	3, & 7)
^	History Adjustment		-, - - , ,

Screening Date		Docket No. 2015-1189-PWS-E	PCW
Respondent			Policy Revision 4 (April 2014)
Case ID No.			PCW Revision March 26, 2014
Reg. Ent. Reference No.			*
Media [Statute]			
Enf. Coordinator Violation Number			
			
Rule Cite(s)	30 Tex. Admin. Cod	e § 290.115(f)(1) and Tex. Health & Safety Code § 341.0315(c)	
Violation Description	per liter ("mg/L") for to running annual averag concentrations of TTHM f	maximum contaminant level ("MCL") of 0.080 milligotal trihalomethanes ("TTHM"), based on the location ge. Specifically, the locational running annual average for Stage 2 Disinfection Byproducts at Site 1 were 0 of 2015 and 0.082 mg/L for the second quarter of 2015.	nal ge .088
		Base Pe	enalty \$1,000
>> Environmental, Proper	rty and Human Healt	th Matrix	
	Harm	W. 1. W. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1.	
Release	Major Moderate	e Minor	
OR Actual	<u> </u>		
Potential		Percent 15.0%	
>>Programmatic Matrix			
Falsification	Major Moderate	e Minor	
1		Percent 0.0%	
Matrix Exceeding	the MCL for TTHM caused	customers of the Facility to be exposed to significar	nt
		ot exceed levels that are protective of human health	
		as derita tabbullikan husenstaan indo-sit at at at at at a	
		Adjustment	\$850
			\$150
/iolation Events			
/ IDIAUDII EVEILS			
Number of '	Violation Events 1	180 Number of violation days	3
		Control Contro	
	dally		
	weekly		
mark only one	monthly quarterly	Violation Base Pe	enalty \$150
with an x	semiannual	Violation base Pe	marcy \$130
	annual x		
	single event		
		ial event is recommended.	
	One annu	ial event is reconfinenced.	
t			I
Good Faith Efforts to Com	iply 0.0	% Redu	action \$0
•	Before NOE/NO	OV NOE/NOV to EDPRP/Settlement Offer	
	Extraordinary		
	Ordinary		
	N/A ×	∰∭(mark with x)	
	Notes The Respo	ndent does not meet the good faith criteria for	
	Hotes	this violation.	
	<u>L</u>		
		Violation Sub	ototal \$150
Economic Benefit (EB) for	· this vialation	C4_bL1:1	
-cononinc benealt (Eb) TOI	uns violation	Statutory Limit Te	5L
Estimat	ed EB Amount	\$627 Violation Final Penalty	Total \$218
	mage a	islanting Pinel Assessed Provide Code of the	10.00
	inis vi	iolation Final Assessed Penalty (adjusted for li	mits) \$218

Respondent Case ID No.	City of Trinida 51064		Benefit	Wo	rksheet		
Reg. Ent. Reference No. Media Violation No.	Public Water S					Percent Interest	Years of Depreciation
	-					5,0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description							
Delayed Costs							
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System Training/Sampling				0.00	\$0 \$0	n/a	\$0 \$0
Remediation/Disposal		 		0.00	\$0 \$0	n/a n/a	\$0
Permit Costs			***********	0.00	\$0 \$0	1/8	\$0
Other (as needed)	\$5,000	31-Mar-2015	1-Oct-2017	2.51	\$627	n/a	\$627
Notes for DELAYED costs Avoided Costs	calculated fi	om the last day c	of the first quart	er of no	on-compliance to t	ernative method of he estimated date of for one-time avoid	f compliance.
Disposal	Aition	Let 111 avoider	COSIS DEIVIE	0.00	\$0	\$0	\$0
Personnel				0.00	\$0 \$0	\$0 \$0	\$0 \$0
Inspection/Reporting/Sampling		1	:.	0.00	\$0 \$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Notes for AVOIDED costs							
Approx. Cost of Compliance		\$5,000			TOTAL		\$627

Penalty Calculation Worksheet (PCW) Policy Revision 4 (April 2014) PCW Revision March 26, 2014 Assigned 7-Sep-2015 Screening 11-Sep-2015 EPA Due 30-Sep-2015 PCW 11-Sep-2015 RESPONDENT/FACILITY INFORMATION Respondent City of Trinidad Reg. Ent. Ref. No. RN101386514 Major/Minor Source Minor Facility/Site Region 5-Tyler CASE INFORMATION Enf./Case ID No. 51064 No. of Violations 2 Docket No. 2015-1189-PWS-E Order Type Findings Government/Non-Profit Yes Media Program(s) Public Water Supply Multi-Media Enf. Coordinator Epifanio Villarreal EC's Team Enforcement Team 2 \$50 Maximum Admin. Penalty \$ Limit Minimum \$1,000 Penalty Calculation Section TOTAL BASE PENALTY (Sum of violation base penalties) \$150 ADJUSTMENTS (+/-) TO SUBTOTAL 1 Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage. **Compliance History** 45.0% Enhancement Subtotals 2, 3, & 7 \$67 Enhancement for five NOVs with the same/similar violations and one Notes agreed order with a denial of liability. Culpability No 0.0% Enhancement Subtotal 4 \$0 The Respondent does not meet the culpability criteria. Notes

Good Faith Effort to Comply Total Adjustments Subtotal 5 -\$25 0.0% Enhancement* Subtotal 6 \$0 **Economic Benefit** Total EB Amounts \$205 *Capped at the Total EB \$ Amount Estimated Cost of Compliance \$192 SUM OF SUBTOTALS 1-7 Final Subtotal \$0 OTHER FACTORS AS JUSTICE MAY REQUIRE 0.0% Adjustment Reduces or enhances the Final Subtotal by the indicated percentage Notes Final Penalty Amount \$192 STATUTORY LIMIT ADJUSTMENT Final Assessed Penalty \$192 Reduction \$0 0.0% Adjustment Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.) No deferral is recommended for Findings Orders. Notes PAYABLE PENALTY \$192

Policy Revision 4 (April 2014) PCW Revision March 26, 2014

Respondent City of Trinidad Case ID No. 51064

Reg. Ent. Reference No. RN101386514

Media [Statute] Public Water Supply

Enf. Coordinator Epifanio Villarreal

🖎 everletetere renerationalistiche eiler von die verschiede von die er de sich	ry <i>Sit</i> e Enhancement (Subtotal 2) Number of	Enter Number Here	Adjust
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	5	25%
	Other written NOVs	0	0%
	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	1	20%
Orders	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	the contract of the contract o	0%
Judgments	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgments or consent decrees meeting criteria)	The state of the s	0%
and Consent Decrees	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government		0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)		0%
Audits	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0 0%	0%
	Ple	ease Enter Yes or No	T
	Environmental management systems in place for one year or more	No	0%
Other	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%
oeat Violator (Adjustment Per	centage (Sub	total 2
N//	***************************************	·centage (Sub	total 3
npliance Hist	ory Person Classification (Subtotal 7)		
Satisfactory		roomtoon (Crib	+-+-1 7
		centage (Sub	totai /
npliance Hist	ory Summary		
Compliance History Notes	Enhancement for five NOVs with the same/similar violations and one agreed order liability.	with a denial of	
	hadisiintiintiintiintiintiintiintiintiintii		ı
	Total Compliance History Adjustment Percentage (Subtotais 2.	3. & T

Respondent City of Trinidad	Screening Date	•	Docket No. 2015-1189-PWS-E	PCW
Reg. Ent. Reference No. RNI0138614 Media [Statute] - Duble Water Supply Enf. Coordinator Violation Number 1 Rule Cite(s) 30 Tex. Admin. (code § 290.46(1) Failed to flush all dead-end mains at monthly intervals. Specifically, it was documented that brown water was observed coming from the feast facucat at the documented that brown water was observed coming from the feast facucat at the documented that brown water was observed coming from the feast facucat at the documented that brown water was observed coming from the feast facucat at the documented that brown water was observed coming from the feast facucat at the documented that brown water was observed coming from the feast facucat at the document of the strain of th		· ·		
Media [Statute] Public Water Supply Enf. Coordinator gridnal o Villeral Violation Number 1 30 7ex. Admin. Code § 290.46(f) Falled to Rush all dead-end mains at monthly intervals. Specifically, it was documented that provin water was observed corning from the flush faucet at the Gadeway Assembly of God. In addition, the operator indicated that the normal flush valve had been run over and broken; therefore, the Respondent had been flushing the ski-rinch main from a customer service line but that did not adequately flush the dead-end end mains. Base Penalty S1,000				PCW Revision March 26, 2014
Failer to adequately flush dead-end mains could expose customers of the Facility to a significant Notes				
Violation Number Rule Cite(s) Rule Cite(s) Failed to flush air dead-end mains at monthly intervals, Specifically, it was documented that brown water was observed coming from the flush faucet at the Gateway Assembly of God. In addition, the operator indicated that the normal flush wave had been in no vers and broker, therefore, the Respondent had been flushing the six-inch main from a customer, therefore, the Respondent had been flushing the six-inch main from a customer, therefore, the Respondent had been flushing the six-inch main from a customer, the six inch and the six-inch main from a customer, the six inch and the six-inch main from a customer and the six-inch main from a significant mai				
Failed to flush all dead-end mains at monthly intervals. Specifically, it was documented that throw water was observed coming from the flush allocat at the Gateway Assembly of God. In addition, the operator indicated that the normal flush valve had been run over and broken; therefore, the Respondent had been flushing the six-inch main from a customer service line but that did not adequately flush the dead-end end mains. Base Penalty				
Failed to flush all dead-end mains at monthly intervals. Specifically, it was documented that throw water was observed coming from the flush allocat at the Gateway Assembly of God. In addition, the operator indicated that the normal flush valve had been run over and broken; therefore, the Respondent had been flushing the six-inch main from a customer service line but that did not adequately flush the dead-end end mains. Base Penalty	Rule Cite(s)			
documented that brown water was observed coming from the flush faucet at the deadeway Assembly of God. In addition, the operator indicated that the normal flush valve had been run over and broken; therefore, the Respondent had been flushing the six-inch main from a customer service line but that did not adequately flush the dead-end end mains. Base Penalty			30 Tex. Admin. Code § 290.46(I)	
Violation Description Cateway Assembly of God. In addition, the operator indicated that the normal flush valve had been run over and broken; therefore, the Respondent had been flushing the six-inch main from a customer service line but that did not adequately flush the dead-end end mains. Base Penalty \$1,000 **Percent** CR Release Major Moderate Minor Percent 5.0% **Percent 0.0% Matrix Fallure to adequately flush dead-end mains could expose customers of the Facility to a significant amount of contaminants that would not exceed levels that are protective of human health. Notes Number of Violation Events Number of Violation Events Number of Violation Events One quarterly event is recommended, from the date of the investigation, August 6, 2015 to the screening date, September 11, 2015. Good Faith Efforts to Comply One quarterly event is recommended, from the date of the investigation, August 6, 2015 to the screening date, September 11, 2015. Good Faith Efforts to Comply The Respondent does not meet the good faith criteria for this violation. Violation Subtotal 550 Economic Benefit (EB) for this violation Estimated EB Amount 55 Violation Final Penalty Total 573		Failed to flush all dea	ad-end mains at monthly intervals. Specifically, it wa	S
>> Environmental, Property and Human Health Matrix Harm Release Major Moderate Minor	Violation Description	Gateway Assembly of Goo valve had been run over	d. In addition, the operator indicated that the normal and broken; therefore, the Respondent had been flu customer service line but that did not adequately flue	l flush shing
Number of Violation Events South and an arrow weet with an arrow with a screening date, September 11, 2015. Reduction South arrow with a screening date, September 11, 2015. Statutory Limit Test			Base Pe	enalty \$1,000
Number of Violation Events South and an arrow weet with an arrow with a screening date, September 11, 2015. Reduction South arrow with a screening date, September 11, 2015. Statutory Limit Test			kt M-t-i	
Release Major Moderate Minor Potentia X Percent 5.0% >> Programmatic Matrix Falsification Major Moderate Minor Percent 0.0% Matrix Falsification Major Moderate Minor Percent 0.0% Matrix Notes Falsification Major Moderate Minor Percent 0.0% Matrix Falsification Major Moderate Minor Percent 0.0% Adjustment 9950 \$50 Violation Events Number of Violation Events 1 36 Number of violation days Violation Base Penalty \$50 Comply Weekly Wee	>> Environmental, Prope			
>> Programmatic Matrix Fallure to adequately flush dead-end mains could expose customers of the Facility to a significant amount of contaminants that would not exceed levels that are protective of human health. **Adjustment** **Adjustment** **Sp50** **Sp50** **Violation Events** **Number of Violation Events** **One quarterly event is recommended, from the date of the investigation, August 6, 2015 to the screening date, September 11, 2015. **Good Faith Efforts to Comply** **Ordinary** One quarterly event is recommended, from the date of the investigation, August 6, 2015 to the screening date, September 11, 2015. **Good Faith Efforts to Comply** **Ordinary** Ordinary** Ordinary** Notes** **The Respondent does not meet the good faith criteria for this violation. **Violation Subtotal** **Violation Subtotal** **Violation Final Penalty Total** **Sp50** **Sp60** **Percent** **One** **Adjustment** **Sp50** **Sp50** **Sp50** **Sp60** **Percent** **One** **Adjustment** **Sp50** **Sp50** **Sp60** **Percent** **One** **Percent** **One** **Adjustment** **Sp50** **Sp50** **Sp60** **Percent** **One** **Indication** **Percent** **One** **Sp50** **Percent** **One** **One** **One** **Ordinary* Ordinary* Ordinary* Notes** **The Respondent does not meet the good faith criteria for this violation. **Violation Subtotal** **Violation Final Penalty Total** **Sp60** **Violation Final Penalty Total** **Sp60** **Percent** **One** **Percent** **One** **Percent** **One** **Percent** **One** **One** **One** **Ordinary* Ordinary* Ordinary* Ordinary* Notes* **Percent** **One** **One** **Ordinary* Ordinary* Ord		Major Moderat	te Minor	
> Programmatic Matrix Falsification Major Moderate Minor Percent 0.0% Matrix Notes Fallure to adequately flush dead-end mains could expose customers of the Facility to a significant amount of contaminants that would not exceed levels that are protective of human health. Adjustment 5950 \$50 Violation Events Number of Violation Events 1 36 Number of violation days daily weekly morthly weekly morthly x semiannual annual single event One quarterly event is recommended, from the date of the investigation, August 6, 2015 to the screening date, September 11, 2015. Good Faith Efforts to Comply Ordinary Ordinary N/A x (mark with x) Notes The Respondent does not meet the good faith criteria for this violation. Violation Subtotal \$50 Economic Benefit (EB) for this violation Statutory Limit Test Estimated EB Amount 55 Violation Final Penalty Total 573				
Failure to adequately flush dead-end mains could expose customers of the Facility to a significant amount of contaminants that would not exceed levels that are protective of human health. Adjustment	Potential	<u> </u>	Percent 5.0%	
Failure to adequately flush dead-end mains could expose customers of the Facility to a significant amount of contaminants that would not exceed levels that are protective of human health. Adjustment	>>Programmatic Matrix			
Percent		Major Moderat	te Minor	
Notes amount of contaminants that would not exceed levels that are protective of human health. Adjustment \$950 \$50 Violation Events Number of Violation Events 1 36 Number of violation days				
Notes amount of contaminants that would not exceed levels that are protective of human health. Adjustment \$950 \$50 Violation Events Number of Violation Events 1 36 Number of violation days				
Notes amount of contaminants that would not exceed levels that are protective of human health. Adjustment \$950 \$50 Violation Events Number of Violation Events 1 36 Number of violation days	Matrix Failure to add	onustaly fluch dead-and m	ains could expose customers of the Facility to a signi	ficant
Violation Events Number of Violation Events Number of Violation Events Number of Violation Events Adaly Weekly Monthly Weekly Monthly Weekly Monthly Semilaniual Single event One quarterly event is recommended, from the date of the investigation, August 6, 2015 to the screening date, September 11, 2015. Good Faith Efforts to Comply Ordinary Ordinary N/A Notes The Respondent does not meet the good faith criteria for this violation. Violation Subtotal \$50 Economic Benefit (EB) for this violation Statutory Limit Test Estimated EB Amount \$53				
Violation Events Number of Violation Events 1 36 Number of violation days daily weekly monthly weekly monthly semannual annual				
Violation Events Number of Violation Events 1 36 Number of violation days daily weekly monthly weekly monthly semannual annual			* Almahaan	¢050
Number of Violation Events Number of Violation Events 1 36			Aujustment	4930
Number of Violation Events 1 36 Number of violation days Maily Weekly				\$50
Number of Violation Events 1 36 Number of violation days Maily Weekly				
Mark only one with an x Weekly monthly x weekly monthly x waterly semiannual annual single event x weekly with an x with an x with an x weekly with an x weekly with an x weekly semiannual annual single event x weekly weekly with an x weekly semiannual single event x weekly weekly with an x weekly semiannual single event x weekly	Violation Events			
Weekly monthly quarterly x Semiannual annual Single event Series Single event Series Single event Series Single event S	Number of	Violation Events 1	36 Number of violation days	5
Mark only one with an x Mark only one with an x Single event Semiannual annual single event Single ev		·	And the second s	
Good Faith Efforts to Comply Extraordinary Ordinary Notes The Respondent does not meet the good faith criteria for this violation. Violation Base Penalty \$50 \$50 September 11, 2015. \$50 September 11, 2015. Wiolation Base Penalty \$50 September 11, 2015. \$50 September 11, 2015. \$50 September 11, 2015. Special September 11, 201		weekly		
One quarterly event is recommended, from the date of the investigation, August 6, 2015 to the screening date, September 11, 2015. Good Faith Efforts to Comply Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer Extraordinary Ordinary N/A x (mark with x) Notes The Respondent does not meet the good faith criteria for this violation. Violation Subtotal \$50 Economic Benefit (EB) for this violation Statutory Limit Test Estimated EB Amount \$5		quarterly xiii xiii semlannual	Violation Base Pe	enalty \$50
Good Faith Efforts to Comply 0.0% Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer Extraordinary Ordinary N/A x (mark with x) The Respondent does not meet the good faith criteria for this violation. Violation Subtotal \$50 Economic Benefit (EB) for this violation Estimated EB Amount \$5 Violation Final Penalty Total \$73				
Good Faith Efforts to Comply 0.0% Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer Extraordinary Ordinary N/A x (mark with x) The Respondent does not meet the good faith criteria for this violation. Violation Subtotal \$50 Economic Benefit (EB) for this violation Estimated EB Amount \$5 Violation Final Penalty Total \$73				
Good Faith Efforts to Comply Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer Extraordinary Ordinary N/A x (mark with x) Notes The Respondent does not meet the good faith criteria for this violation. Violation Subtotal \$50 Economic Benefit (EB) for this violation Statutory Limit Test Estimated EB Amount \$5	One quarter	•		the
Extraordinary Ordinary N/A Notes The Respondent does not meet the good faith criteria for this violation. Violation Subtotal Statutory Limit Test Estimated EB Amount Statutory Final Penalty Total \$73		screening	g date, September 11, 2015.	
Extraordinary Ordinary N/A X (mark with x) The Respondent does not meet the good faith criteria for this violation. Violation Subtotal Statutory Limit Test Estimated EB Amount Statutory Final Penalty Total \$73	Benthamin			
Extraordinary Ordinary N/A X (mark with x) The Respondent does not meet the good faith criteria for this violation. Violation Subtotal \$50 Economic Benefit (EB) for this violation Statutory Limit Test Estimated EB Amount \$5 Violation Final Penalty Total \$73	Good Faith Efforts to Con		PROCESSOR SERVICES AND SERVICES	uction \$0
Ordinary N/A x (mark with x) Notes The Respondent does not meet the good faith criteria for this violation. Violation Subtotal \$50 Economic Benefit (EB) for this violation Statutory Limit Test Estimated EB Amount \$5 Violation Final Penalty Total \$73			NOV NOE/NOV to EDPRP/Settlement Offer	
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Notes The Respondent does not meet the good faith criteria for this violation. Violation Subtotal \$50 Economic Benefit (EB) for this violation \$50 Estimated EB Amount \$5 Violation Final Penalty Total \$73		`		
Violation Subtotal \$50 Economic Benefit (EB) for this violation \$51 Estimated EB Amount \$5 Violation Final Penalty Total \$73		N/AI X	I(mark with x)	
Economic Benefit (EB) for this violation Estimated EB Amount \$5 Violation Final Penalty Total \$73		Notes The Resp		
Economic Benefit (EB) for this violation Estimated EB Amount \$5 Violation Final Penalty Total \$73				
Estimated EB Amount \$5 Violation Final Penalty Total \$73			Violation Sul	btotal \$50
Estimated EB Amount \$5 Violation Final Penalty Total \$73	Economic Benefit (EB) fo	r this violation	Statutory Limit Te	st
	-			
This violation Final Assessed Penalty (adjusted for limits) \$73	Louilla	•	-	
		This	violation Final Assessed Penalty (adjusted for li	mits) \$73

Media Violation No.	Public Water S	Supply				Percent Interest	Years of Depreciation
						5.0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	No commas or \$						
Dalamad Casta				H8885888888			
Delayed Costs Equipment	r	T		0.00	\$0	\$0	\$0
Buildings				0.00	\$0 \$0	\$0 \$0	\$0 \$0
Other (as needed)	\$100	6-Aug-2015	1-May-2016	0.74	\$0	\$5	\$5
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal			1988	0.00	\$0	n/a	\$0
				0.00	ΨU	11/6	
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	The delayed			0.00 0.00 unt to p	\$0 \$0 provide a flush valv	n/a n/a ve, calculated from t	\$0 \$0
Other (as needed) Notes for DELAYED costs Avoided Costs		inv	estigation to th	0.00 0.00 unt to p e estim	\$0 \$0 erovide a flush valvated date of comp or item (except	n/a n/a n/e, calculated from t llance. for one-time avoid	\$0 \$0 he date of the led costs)
Other (as needed) Notes for DELAYED costs Avoided Costs Disposal		inv	estigation to th	0.00 0.00 unt to p e estim enterin	\$0 \$0 erovide a flush valvated date of comp ng item (except \$0	n/a n/a n/e, calculated from t lliance. for one-time avoid	\$0 \$0 he date of the led costs) \$0
Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel		inv	estigation to th	0.00 0.00 unt to p e estim enterin 0.00 0.00	\$0 \$0 provide a flush valvated date of comp ng item (except \$0 \$0 \$0	n/a n/a /e, calculated from t lliance. for one-time avoid \$0 \$0	\$0 \$0 he date of the led costs) \$0 \$0
Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel spection/Reporting/Sampling		inv	estigation to th	0.00 0.00 unt to pe estime enterine 0.00 0.00	\$0 \$0 erovide a flush valvated date of comp ng item (except \$0 \$0 \$0	n/a n/a /e, calculated from t llance. for one-time avoid \$0 \$0	\$0 \$0 he date of the led costs) \$0 \$0 \$0
Other (as needed) Notes for DELAYED costs Avoided Costs Disposal		inv	estigation to th	0.00 0.00 unt to pe estim enterin 0.00 0.00 0.00	\$0 \$0 provide a flush valvated date of comp ng item (except \$0 \$0 \$0	n/a n/a n/a n/a re, calculated from t liance. for one-time avoic \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 he date of the !ed costs) \$0 \$0 \$0
Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel spection/Reporting/Sampling Supplies/Equipment		inv	estigation to th	0.00 0.00 unt to pe estime enterine 0.00 0.00	\$0 \$0 provide a flush valvated date of comp ng item (except \$0 \$0 \$0 \$0	n/a n/a /e, calculated from t llance. for one-time avoid \$0 \$0	\$0 \$0 he date of the led costs) \$0 \$0 \$0
Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel spection/Reporting/Sampling Supplies/Equipment Financial Assurance [2]		inv	estigation to th	0.00 0.00 unt to pe estim enterin 0.00 0.00 0.00	\$0 \$0 brovide a flush valvated date of comp ng item (except \$0 \$0 \$0 \$0	n/a	\$0 \$0 he date of the led costs) \$0 \$0 \$0 \$0

Respondent City of Trinidad Policy Revision of Case ID No. 51064 PCW Revision Ma	PCW
	4 (April 2014)
	arch 26, 2014
Reg. Ent. Reference No. RN101386514	
Media [Statute] Public Water Supply	
Enf. Coordinator Epifanio Villarreal	
Violation Number 2	
Rule Cite(s) 30 Tex. Admin. Code §§ 290.46(d)(2)(B) and 290.110(b)(4) and Tex. Health & Safety Code § 341.0315(c)	
Failed to operate the disinfection equipment to maintain a disinfectant residual of at	
Violation Description System at all times. Specifically, on August 6, 2015, a field sample collected at Gateway Assembly of God measured a total chlorine residual of 0.16 mg/L. On August 7, 2015, a field sample collected at Gateway Assembly of God measured a total chlorine residual of 0.35 mg/L.	
Base Penalty	\$1,000
> Environmental, Property and Human Health Matrix	
Harm	
Release Major Moderate Minor	
OR Actual Communication Commun	
Potential Percent 5.0%	
>Programmatic Matrix	
> Programmatic Matrix Falsification Major Moderate Minor	
Percent 0.0%	
1 Crock 0,070	
Matrix Failure to maintain proper levels of disinfection could expose customers of the Facility to significant	
Notes amounts of contaminants which would not exceed levels that are protective of human health.	
Adjustment \$950	
L	\$50
iolation Events	
viativii Lveites	
Number of Violation Events 2 Number of violation days	
[Learner 1]	
daily weekly monthly mark only one quarterly Violation Base Penalty	\$100
semiannual annual single event x	
Two single events are recommended.	
ood Faith Efforts to Comply 25.0% Reduction	#2E
pod Faith Efforts to Comply 25.0% Reduction Reduction Defore NOE/NOV NOE/NOV to EDPRP/Settlement Offer	\$25
Extraordinary Ex	
Ordinary x	
N/A (mark with x)	
MATERIAL MAILA	
Notes The Respondent achieved compliance on August 11,	
Part to the control of the control o	
The Respondent achieved compliance on August 11,	
The Respondent achieved compliance on August 11,	\$75
Notes The Respondent achieved compliance on August 11, 2015. Violation Subtotal	\$75
Notes The Respondent achieved compliance on August 11, 2015. Violation Subtotal	\$75
Notes The Respondent achieved compliance on August 11, 2015. Violation Subtotal conomic Benefit (EB) for this violation Statutory Limit Test	
Notes The Respondent achieved compliance on August 11, 2015. Violation Subtotal	\$75 \$120
Notes The Respondent achieved compliance on August 11, 2015. Violation Subtotal Conomic Benefit (EB) for this violation Statutory Limit Test	

	E	conomic I	Benefit	Wo	rksheet		
Respondent	\$2444444444444444444444444444			9 23 9 22 9 9 23 9 3			
Case ID No.	,	-					
eg. Ent. Reference No.							
	Public Water Supply Percent InterestYears of						
Violation No.	2						Depreciation
						5.0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description							
ztem Description	INO COMMINAS OF \$						
Delayed Costs				3			
Equipment			,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,	0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling		1		0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0
Notes for DELAYED costs Avoided Costs	ANNIA	IZE [1] avoided	costs before	enterir	(n item /excent	for one-time avoid	led costs)
Disposal		1	COSC DCIOIC	0.00	\$0	\$0	\$0
Personnel				0.00	\$0 \$0	\$0 \$0	\$0 \$0
spection/Reporting/Sampling		1		0.00	\$0 \$0	\$0	\$0 \$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]		1		0.00	\$0	\$0	\$0
Other (as needed)	\$200	6-Aug-2015	7-Aug-2015	0.00	\$0	\$200	\$200
Notes for AVOIDED costs		cost includes the e	dual is maintair	ned thro		ance and oversight oution system, calcu nented.	
Approx. Cost of Compliance		\$200			TOTAL		\$200

o request a more accessible version of this report, please contact the TCEQ Help Desk at (512) 239-4357.



ICEQ Compliance History Report

PENDING Compliance History Report for CN600333942, RN101386514, Rating Year 2015 which includes Compliance History (CH) components from September 1, 2010, through August 31, 2015.

Customer, Respondent, CN600333942, City of Trinidad

Classification: SATISFACTORY

Rating: 0.27

or Owner/Operator: Regulated Entity:

RN101386514, CITY OF TRINIDAD

Classification: NOT APPLICABLE

Rating: N/A

Complexity Points:

N/A

Repeat Violator: N/A

CH Group:

14 - Other

Location:

NORTH LEAGUE LINE RD IN TRINIDAD, HENDERSON COUNTY, TEXAS

TCEQ Region:

REGION 05 - TYLER

ID Number(s):

PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 1070004

WATER LICENSING LICENSE 1070004

Compliance History Period: September 01, 2010 to August 31, 2015

Rating Year: 2015

Rating Date: 09/01/2015

Date Compliance History Report Prepared: September 11, 2015

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: September 11, 2010 to September 11, 2015

TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.

Name: EPI VILLARREAL

Phone: (361) 825-3425

Site and Owner/Operator History:

1) Has the site been in existence and/or operation for the full five year compliance period?

YES

2) Has there been a (known) change in ownership/operator of the site during the compliance period?

NO

3) If YES for #2, who is the current owner/operator?

4) If **YES** for #2, who was/were the prior

N/A

owner(s)/operator(s)?

5) If **YES**, when did the change(s) in owner or operator

occur?

Components (Multimedia) for the Site Are Listed in Sections A - J

A. Final Orders, court judgments, and consent decrees:

Effective Date: 08/08/2013

ADMINORDER 2013-0230-PWS-E (1660 Order-Agreed Order With Denial)

Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.42(d)(11)(F)(iv)(I)

Description: Failure to provide backwash facilities capable of expanding a mixed media filter bed, with air scour, at least 15% during the backwash cycle.

Classification: Minor

30 TAC Chapter 290, SubChapter D 290.46(m)

Description: Failed to initiate maintenance and housekeeping practices to ensure the good working condition and general appearance of the Facility and its equipment.

Classification: Minor

30 TAC Chapter 290, SubChapter D 290.42(f)(1)(C)

Description: Failed to provide all chemical bulk storage facilities and day tanks with a label that identifies the facility's or

tank's contents Classification: Minor

Page 1

30 TAC Chapter 290, SubChapter D 290.46(m)(4)

Description: Failed to maintain all treatment units, storage and pressure maintenance facilities, distribution system lines

and related appurtenances in a watertight condition

Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.42(d)(13)

Description: Failed to identify the influent, effluent, waste backwash, and chemical feed lines every five feet either by the

use of a label or by various colors of paint

Classification: Moderate

30 TAC Chapter 290, SubChapter F 290.110(b)(4)

Description: Failure to have a 0.5 mg/l total chlorine residual in the distribution system at all times.

Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.42(d)(12)

Description: Failed to provide good drainage in the pipe gallery which is provided by sloping floors, gutters, and sumps.

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

D. The approval dates of investigations (CCEDS Inv. Track. No.):

N/A

E. Written notices of violations (NOV) (CCEDS Inv. Track. No.):

A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

1 Date:

Self Report?

01/13/2015 (1215550)

CN600333942

Minor

Major

Minor

Moderate

Minor

Minor

Moderate

NO Citation:

30 TAC Chapter 290, SubChapter D 290.46(I)

Description:

Failure to flush all dead end mains monthly, or more often if required, to maintain

water quality.

Self Report?

Classification: 30 TAC Chapter 319, SubChapter A 319,7(e)

Citation: Description:

Falsification of water operating records.

Self Report?

Classification: Moderate

Classification:

Classification:

Citation:

30 TAC Chapter 290, SubChapter D 290.46(d)(2)

Description:

Failure to have a 0.5 mg/l total chlorine residual in the distribution system at all

times.

NO

2

Date:

02/19/2015 (1222201) CN600333942

Self Report?

Citation:

30 TAC Chapter 290, SubChapter D 290.46(I)

Description:

Failure to flush all dead end mains monthly, or more often if required, to maintain

water quality.

Self Report?

Classification: 30 TAC Chapter 290, SubChapter D 290.44(h)(1)(B)(ii)

Description:

Citation:

Citation:

Citation:

Failure to establish a Cross Connection Control Program

Self Report?

Classification: 30 TAC Chapter 290, SubChapter D 290.42(I)

Description:

Failure to provide a thorough Plant Operations Manual.

Self Report?

Classification:

Citation:

30 TAC Chapter 290, SubChapter F 290.121

Description: Self Report?

Failure to have an up-to-date Monitoring Plan.

NO

Classification:

Description:

30 TAC Chapter 290, SubChapter D 290.44(h)

Failure to protect the water system actual or potential contamination. Minor

Self Report? Citation:

NO Classification:

30 TAC Chapter 290, SubChapter D 290.43(c)(4) Description: Failure to have liquid level indicators (gauges) on the Clearwells.

Self Report?

Classification: Minor

30 TAC Chapter 290, SubChapter D 290.43(c) Citation:

Description: Failure to have a 0.75 inch per square foot slope on the Clearwell. Minor Self Report? NO Classification:

Citation:

30 TAC Chapter 290, SubChapter D 290.46(m)

Description:

Failure to have adequate sludge maintenance (sludge ponds full).

Self Report? Citation:

NO

Classification:

Moderate

30 TAC Chapter 290, SubChapter D 290.46(f)(4)(B)

Description:

Failure to properly complete SWMOR.

Self Report?

NO

Citation:

30 TAC Chapter 290, SubChapter D 290.46(n)

Description:

Failure to provide an approval letter and/or plans and specifications for Cedar

Creek Intake (Tarrant Regional)

Self Report?

Classification:

Classification:

Minor

Minor

Citation: Description:

30 TAC Chapter 290, SubChapter D 290,41(e)(2)(A) Failure to have an adequate intake at Cedar Creek Lake.

Date: 04/29/2015 (1267917) Self Report? NO

CN600333942

Classification:

Moderate

Citation:

30 TAC Chapter 290, SubChapter F 290.115(f)(1)

5A THSC Chapter 341, SubChapter A 341.0315(c)

Description:

TTHM LRAA MCL 1Q2015 - During the 1st guarter of 2015 the system violated the maximum contaminant level for trihalomethanes with a LRAA of 0.088 mg/L at

108 Wood (DBP2-01).

3

Date:

07/15/2015 (1267917)

CN600333942

Self Report? NO

Classification:

Moderate

Citation:

30 TAC Chapter 290, SubChapter F 290.115(f)(1)

5A THSC Chapter 341, SubChapter A 341.0315(c)

Description:

TTHM LRAA MCL 202015 - During the 2nd guarter of 2015 the system violated the maximum contaminant level for trihalomethanes with a LRAA of 0.082 mg/L

at 108 Wood (DBP2-01).

5

Date: Self Report?

09/08/2015 (1275681) CN600333942

Classification: Moderate

Citation:

30 TAC Chapter 290, SubChapter D 290.46(d)

Description: Self Report?

NO

NO

Classification: Minor

Citation:

30 TAC Chapter 290, SubChapter D 290.44(d)(6)

Failure to maintain adequate residual disinfectant concentration.

Description:

Failure to design a system to afford effective circulation of water with a minimum

of dead ends.

F. Environmental audits:

N/A

G. Type of environmental management systems (EMSs):

H. Voluntary on-site compliance assessment dates:

N/A

I. Participation in a voluntary pollution reduction program:

N/A

Early compliance:

N/A

Sites Outside of Texas:

N/A

Component Appendices

Appendix A

All NOVs Issued During Component Period 9/11/2010 and 9/11/2015 10/19/2010 (866519)CN600333942 1 Date: Classification: Moderate For Informational Purposes Only Self Report? NO Citation: 30 TAC Chapter 290, SubChapter D 290.46(d)(2) Description: Failure to maintain the minimum chlorine residual of 0.5 mg/L (total) throughout the distribution at all times. 2 Date: 01/20/2011 (879591)CN600333942 Classification: Minor For Informational Purposes Only Self Report? NO 30 TAC Chapter 290, SubChapter F 290.121 Citation: Failure to maintain an up-to-date monitoring plan. Description: Classification: Minor For Informational Purposes Only Self Report? Citation: 30 TAC Chapter 290, SubChapter D 290.46(s)(1) Description: Failure to verify the accuracy of rate-of-flow control devices on an annual basis. Classification: Minor For Informational Purposes Only Self Report? NO Citation: 30 TAC Chapter 290, SubChapter D 290.46(m) Description: Failure to maintain the flow integrity of the settled water line. Classification: Moderate For Informational Purposes Only Self Report? NO Citation: 30 TAC Chapter 290, SubChapter D 290.42(f)(2)(D) Description: Failure to provide backflow protection for chemical feeder lines. Classification: For Informational Purposes Only Self Report? NO 30 TAC Chapter 290, SubChapter D 290.46(I) Citation: Description: Failure to flush all dead-end mains monthly, or more often if required, to maintain water quality. Classification: Minor For Informational Purposes Only Self Report? NO 30 TAC Chapter 290, SubChapter D 290.42(I) Citation: Description: Failure to compile and maintain an up-to-date plant operations and maintenance manual. Classification: Minor For Informational Purposes Only NO Self Report? 30 TAC Chapter 290, SubChapter D 290.42(d)(13) Citation: Failure to identify lines by the use of labels or various colors of paint. Description: 3 Date: 09/20/2011 (952087)CN600333942 Classification: Minor For Informational Purposes Only Self Report? NO 30 TAC Chapter 290, SubChapter D 290.46(m) Citation: Failure to maintain the flow integrity of the settled water line. Description: Classification: Minor For Informational Purposes Only Self Report? NO 30 TAC Chapter 290, SubChapter D 290.42(d)(2)(E) Citation: Description: Failure to install an air-gap on the filter-to-waste line. Classification: Minor For Informational Purposes Only Self Report? NO

> 30 TAC Chapter 290, SubChapter D 290.39(i) Citation: Description: treatment plant.

Failure to notify the TCEQ when making significant changes to the surface water

Classification:

For Informational Purposes Only Self Report? NO Citation:

30 TAC Chapter 290, SubChapter D 290.42(d)(11)(F)(iv)(I)

Page 4

Description:

Failure to provide backwash facilities capable of expanding a mixed media filter

bed, with air scour, at least 15% during the backwash cycle.

Classification:

Minor

Self Report?

NO

For Informational Purposes Only

Citation:

30 TAC Chapter 290, SubChapter F 290.111(e)(2)

Description:

Failure to monitor and record the monochloramine and free ammonia levels

leaving the treatment plant weekly and out in the water system's distribution on a

monthly basis.

Classification:

Minor

Self Report?

For Informational Purposes Only

Citation:

30 TAC Chapter 290, SubChapter D 290.46(m)

Description:

Failure to initiate maintenance and housekeeping practices to ensure the good

working condition and general appearance of the system's facilities and

equipment.

Classification:

Minor

Self Report?

NO

For Informational Purposes Only

Citation:

30 TAC Chapter 290, SubChapter F 290.111(f)(3)(D)

Description:

Failure to provide a recording system that will monitor the turbidity interval

established by the TCEQ.

Date:

01/13/2015

(1215550)

CN600333942

Minor

Self Report?

For Informational Purposes Only

30 TAC Chapter 290, SubChapter D 290.46(I)

Citation: Description:

Failure to flush all dead end mains monthly, or more often if required, to maintain

water quality.

Classification:

Classification:

Self Report?

NO

For Informational Purposes Only 30 TAC Chapter 319, SubChapter A 319.7(e)

Citation: Description:

Falsification of water operating records.

(1222201)

Classification:

Moderate

Self Report?

30 TAC Chapter 290, SubChapter D 290.46(d)(2)

Citation: Description:

Failure to have a 0.5 mg/l total chlorine residual in the distribution system at all

For Informational Purposes Only

times.

5*

Date:

02/19/2015

CN600333942

Classification:

Self Report?

For Informational Purposes Only 30 TAC Chapter 290, SubChapter D 290.46(I)

Citation:

Description:

Failure to flush all dead end mains monthly, or more often if required, to maintain

water quality.

Classification:

Moderate

Minor

Self Report?

NO

For Informational Purposes Only

Citation:

30 TAC Chapter 290, SubChapter D 290.44(h)(1)(B)(ii)

Description:

Failure to establish a Cross Connection Control Program

Classification:

Minor

Self Report?

For Informational Purposes Only

Citation:

30 TAC Chapter 290, SubChapter D 290.42(I)

Description:

Description:

Failure to provide a thorough Plant Operations Manual.

Classification: Minor

NO Self Report?

For Informational Purposes

Citation:

30 TAC Chapter 290, SubChapter F 290.121 Failure to have an up-to-date Monitoring Plan.

Classification: Moderate

Self Report?

NO

For Informational Purposes Only

Citation:

30 TAC Chapter 290, SubChapter D 290.44(h)

Description:

Failure to protect the water system actual or potential contamination.

Classification:

Minor

NO Self Report?

For Informational Purposes Only

Page 5

Citation:

30 TAC Chapter 290, SubChapter D 290.43(c)(4)

Description:

Failure to have liquid level indicators (gauges) on the Clearwells.

Classification: Minor

Self Report?

NO

For Informational Purposes Only

Citation:

30 TAC Chapter 290, SubChapter D 290.43(c)

Description:

Failure to have a 0.75 inch per square foot slope on the Clearwell.

Classification: Minor

Self Report? Citation:

For Informational Purposes Only

30 TAC Chapter 290, SubChapter D 290.46(m)

Description:

Failure to have adequate sludge maintenance (sludge ponds full).

30 TAC Chapter 290, SubChapter D 290.46(f)(4)(B)

Classification: Moderate

Self Report?

For Informational Purposes Only

Citation: Description:

Failure to properly complete SWMOR.

Classification:

Minor

Self Report?

NO

For Informational Purposes Only

Citation:

30 TAC Chapter 290, SubChapter D 290.46(n)

Description:

Failure to provide an approval letter and/or plans and specifications for Cedar

Creek Intake (Tarrant Regional)

Classification:

Self Report?

NO

For Informational Purposes Only

Citation: Description:

30 TAC Chapter 290, SubChapter D 290.41(e)(2)(A) Failure to have an adequate intake at Cedar Creek Lake.

6* Date:

04/29/2015

(1267917)

CN600333942

Classification: Moderate

Self Report?

For Informational Purposes Only

30 TAC Chapter 290, SubChapter F 290.115(f)(1) 5A THSC Chapter 341, SubChapter A 341.0315(c)

Description:

Citation:

TTHM LRAA MCL 1Q2015 - During the 1st quarter of 2015 the system violated the maximum contaminant level for trihalomethanes with a LRAA of 0.088 mg/L at

108 Wood (DBP2-01).

Date:

07/15/2015 (1267917) CN600333942

Classification:

Classification:

Moderate

Self Report?

NO

For Informational Purposes Only

Citation:

30 TAC Chapter 290, SubChapter F 290.115(f)(1)

Description:

5A THSC Chapter 341, SubChapter A 341.0315(c) TTHM LRAA MCL 202015 - During the 2nd quarter of 2015 the system violated the maximum contaminant level for trihalomethanes with a LRAA of 0.082 mg/L

at 108 Wood (DBP2-01).

Date:

09/08/2015

(1275681)

CN600333942

Moderate

Self Report?

For Informational Purposes Only

Citation:

30 TAC Chapter 290, SubChapter D 290.46(d)

Description:

Failure to maintain adequate residual disinfectant concentration.

Classification:

Minor

Self Report?

For Informational Purposes Only

Citation:

30 TAC Chapter 290, SubChapter D 290.44(d)(6)

Description:

Failure to design a system to afford effective circulation of water with a minimum

of dead ends.

Appendix B

Item 1

All Investigations Conducted During Component Period September 11, 2010 and September 11, 2015

(866519)

^{*} NOVs applicable for the Compliance History rating period 9/1/2010 to 8/31/2015

Item 2	January 12, 2011**	For	(879591) · Informational	Purposes	
Item 3	July 11, 2011**		(937159) Informational	. 1	
Item 4	September 14, 2011*	*FO*	(952087) · Informational	Purposes	Omy
Item 5	January 24, 2013**	For	(1053007) Informational	Purposes	
Item 6	October 18, 2013**	Foi	(1124275) Informational	Purposes	- Common of the
Item 7	September 05, 2014**	*F01	(1184888) Informational	200000	Ony
Item 8	January 09, 2015**	For	(1215550) · Informational	Purposes	
Item 9	February 17, 2015**	Fot	(1222201) · Informational	Purposes	
Item 10	July 29, 2015**		(1267917) · Informational	Purposes	Only
Item 11	July 31, 2015**	TO*	(1268077) · Informational	Purposes	Omy

^{*} No violations documented during this investigation **Investigation applicable for the Compliance History Rating period between 09/01/2010 and 08/31/2015.

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN	§	BEFORE THE
ENFORCEMENT ACTION	§	
CONCERNING	§	TEXAS COMMISSION ON
CITY OF TRINIDAD	§	
RN101386514	§	ENVIRONMENTAL QUALITY

AGREED ORDER DOCKET NO. 2015-1189-PWS-E

At its	agenda, the Texas Commission on Environmental Quality
("the Commission" or "T	CEQ") considered this agreement of the parties, resolving an
enforcement action rega	rding the City of Trinidad (the "Respondent") under the authority of
	CODE ch. 341. The Executive Director of the TCEQ, through the
	nd the Respondent presented this agreement to the Commission.

The Respondent understands that it has certain procedural rights at certain points in the enforcement process, including, but not limited to, the right to formal notice of violations, notice of an evidentiary hearing, the right to an evidentiary hearing, and a right to appeal. By entering into this Agreed Order, the Respondent agrees to waive all notice and procedural rights.

It is further understood and agreed that this Order represents the complete and fully-integrated settlement of the parties. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable. The duties and responsibilities imposed by this Agreed Order are binding upon the Respondent.

The Commission makes the following Findings of Fact and Conclusions of Law:

I. FINDINGS OF FACT

1. The Respondent owns and operates a public water supply located at North League Line Road in Trinidad, Henderson County, Texas (the "Facility") that has approximately 482 service connections and serves at least 25 people per day for at least 60 days per year.

- 2. During a record review conducted from July 20, 2015 through July 31, 2015, TCEQ staff documented that in a letter dated April 6, 2011, an updated Recycling Practices Report ("RPR") was requested to be completed and submitted within 90 days but was not submitted.
- 3. During a record review conducted from July 20, 2015 through July 31, 2015, TCEQ staff documented that the locational running annual average concentrations of total trihalomethanes ("TTHM") for Stage 2 Disinfection Byproducts at Site 1 were 0.088 milligrams per liter ("mg/L") for the first quarter of 2015 and 0.082 mg/L for the second quarter of 2015.
- 4. During an investigation conducted from August 6, 2015 through August 11, 2015, TCEQ staff documented that brown water was observed coming from the flush faucet at the Gateway Assembly of God. In addition, the operator indicated that the normal flush valve had been run over and broken; therefore, the Respondent had been flushing the six-inch main from a customer service line but that did not adequately flush the deadend mains.
- 5. During an investigation conducted from August 6, 2015 through August 11, 2015, TCEQ staff documented that on August 6, 2015, a field sample collected at Gateway Assembly of God measured a total chlorine residual of 0.16 mg/L. On August 7, 2015, a field sample collected at Gateway Assembly of God measured a total chlorine residual of 0.35 mg/L.
- 6. The Respondent received notices of the violations on August 3, 2015 and September 4, 2015.
- 7. The Executive Director recognizes that on August 11, 2015, the disinfection residual was 0.52 mg/L total chlorine at the Gateway Assembly of God.

II. CONCLUSIONS OF LAW

- 1. The Respondent is subject to the jurisdiction of the TCEQ pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Commission.
- 2. As evidenced by Findings of Fact No. 2, the Respondent failed to submit routine reports and any additional documentation that the Executive Director may require to determine compliance with the requirements of 30 Tex. Admin. Code ch. 290, in violation of 30 Tex. Admin. Code § 290.46(f)(3)(C)(iii) and (f)(4).
- 3. As evidenced by Findings of Fact No. 3, the Respondent failed to comply with the maximum contaminant level ("MCL") of 0.080 mg/L for TTHM, based on the locational running annual average, in violation of 30 Tex. ADMIN. CODE § 290.115(f)(1) and Tex. Health & Safety Code § 341.0315(c).

- 4. As evidenced by Findings of Fact No. 4, the Respondent failed to flush all dead-end mains at monthly intervals, in violation of 30 Tex. Admin. Code § 290.46(l).
- As evidenced by Findings of Fact No. 5, the Respondent failed to operate the disinfection equipment to maintain a disinfectant residual of at least 0.5 mg/L total chlorine throughout the distribution system at all times, in violation of 30 Tex. Admin. Code §§ 290.46(d)(2)(B) and 290.110(b)(4) and Tex. Health & Safety Code § 341.0315(c)
- 6. Pursuant to Tex. Health & Safety Code § 341.049, the Commission has the authority to assess an administrative penalty against the Respondent for violations of the Texas Water Code and the Texas Health and Safety Code within the Commission's jurisdiction; for violations of rules adopted under such statutes; or for violations of orders or permits issued under such statutes.
- 7. An administrative penalty in the amount of Five Hundred Fifty-Four Dollars (\$554) is justified by the facts recited in this Agreed Order, and considered in light of the factors set forth in Tex. Health & Safety Code § 341.049(b). The Respondent has paid the Five Hundred Fifty-Four Dollar (\$554) administrative penalty.

III. ORDERING PROVISIONS

NOW, THEREFORE, THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY ORDERS that:

1. The Respondent is assessed an administrative penalty in the amount of Five Hundred Fifty-Four Dollars (\$554) as set forth in Section II, Paragraph 7 above, for violations of TCEQ rules and state statutes. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order completely resolve the violations set forth by this Agreed Order in this action. However, the Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations that are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: City of Trinidad, Docket No. 2015-1189-PWS-E" to:

Financial Administration Division, Revenue Operations Section Attention: Cashier's Office, MC 214 Texas Commission on Environmental Quality P.O. Box 13088 Austin, Texas 78711-3088

- 2. The Respondent shall undertake the following technical requirements:
 - a. Within 30 days after the effective date of this Agreed Order:
 - i. Submit the RPR, in accordance with 30 Tex. ADMIN. CODE § 290.46; and

- ii. Provide a flush valve and begin flushing all dead-end mains at monthly intervals, in accordance with 30 Tex. ADMIN. CODE § 290.46.
- b. Within 45 days after the effective date of this Agreed Order, submit written certification as described in Ordering Provision No. 2.d. below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision Nos. 2.a.i. and 2.a.ii.
- c. Within 365 days after the effective date of this Agreed Order, return to compliance with the MCL for TTHM, based on the locational running annual average, in accordance with 30 Tex. Admin. Code § 290.115.
- d. Within 380 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.c. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team Enforcement Division, MC 149A Texas Commission on Environmental Quality P.O. Box 13087 Austin, Texas 78711-3087

with a copy to:

Public Drinking Water Section Water Supply Division, MC 155 Texas Commission on Environmental Quality P.O. Box 13087 Austin, Texas 78711-3087

and a copy to:

Water Section Manager Tyler Regional Office Texas Commission on Environmental Quality 2916 Teague Drive Tyler, Texas 75701-3734

- 3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
- 4. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
- 5. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings without notice to the Respondent if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
- 6. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
- 7. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
- 8. This Agreed Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving,

imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission", "owner", "person", "writing", and "written" shall have the meanings assigned to them under Tex. Bus. Org. Code § 1.002.

9. The effective date of this Order is the date it is signed by the Commission. A copy of this fully executed Order shall be provided to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission	Date
For the Executive Director	Date Date
I, the undersigned, have read and understand the attack. City of Trinidad. I am authorized to agree to the attack. Trinidad, and do agree to the specified terms and cond. TCEQ, in accepting payment for the penalty amount, is representation.	hed Agreed Order on behalf of the City of litions. I further acknowledge that the
I understand that by entering into this Agreed Order, to procedural rights, including, but not limited to, the right by this Agreed Order, notice of an evidentiary hearing, the right to appeal. I agree to the terms of the Agreed This Agreed Order constitutes full and final adjudication of the this Agreed Order.	tht to formal notice of violations addressed, the right to an evidentiary hearing, and Order in lieu of an evidentiary hearing.
 I also understand that failure to comply with the Order and/or failure to timely pay the penalty amount, may reach a negative impact on compliance history; Greater scrutiny of any permit applications subsequent additional penalties, and/or attorney General's Control and additional penalties in any future enforcement. Automatic referral to the Attorney General's Order and TCEQ seeking other relief as authorized by law In addition, any falsification of any compliance document. 	result in: omitted; Office for contempt, injunctive relief, o a collection agency; actions; ffice of any future enforcement actions;
Signature Tekei Newhouse Name (Printed or typed) Authorized Representative of	10/26/15 Date Lity Administrator Title
City of Trinidad	

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenue Operations Section at the address in Section III, Paragraph 1 of this Agreed Order.